IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO. 589 OF 2003

Bank of India ....**Plffs.**

vs.

Santosh B. Dalvi .....**Defnds.**

Mr. O.A. Das for the plaintiffs.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. The summons for judgment has been duly served on the defendant. No affidavit in replay has been filed. The summons for judgment is filed on the basis of the claim arising out of credit card issued by the plaintiffs pursuant to an application made by the defendant. The credit card bearing no. 4311 1930 0006 3601 replaced by credit card no. 4311 1930 0007 0705 has been used by the defendants including withdrawal of the cash. In the aforesaid circumstances, the present suit has been filed

for recovery of sum of Rs. 1,46,432.20/- with further interest on 91,141.20/- at the rate of 12% p.a. simple rate of interest. The plaintiff has tendered a compilation of original documents which is taken on record and marked Ex.P.1 colly. In view of the fact that no affidavit in reply is filed, though the summons for judgment is served on the defendant, I pass the following decree.

> There shall be a decree in favour of the plaintiff and against the defendant in the sum of Rs.1,46,432.20/- alongwith interest on the principal amount of Rs.91,141.20/- at the rate of 12% p.a. at simple rate of interest. Refund of court fees as per rules.

2. Suit as well as summons for judgment disposed off accordingly.

:3:

sd/-

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